

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America

v.

2:22-cr-05

Tawayne Lewis

ORDER

Defendant pleaded guilty to one count of illegal possession of a firearm by a convicted felon, 18 U.S.C. § 922(g)(1). He was sentenced to a term of incarceration of 24 months and to a term of supervised release of 3 years. Defendant commenced his term of supervision in July 2023.

This matter is before the Court on defendant's motion for approval to use a medical marijuana card, which the Court construes as a motion to modify the conditions of supervised release. Defendant states that he would like to use medical marijuana to treat the pain he experiences in connection with pancreatitis. The Government opposes the motion, arguing that marijuana remains a Schedule I controlled substance under federal law, *see* 21 U.S.C. § 812, and that the Court is required to order defendant to "not unlawfully possess a controlled substance" while on supervised release. 18 U.S.C. § 3583(d).

The Government's position is correct. The Court has "no discretion to allow [a defendant] to use medical marijuana while on supervised release." *United States v. Schostag*, 895 F.3d 1025, 1028 (8th Cir. 2018). *See also United States v. Cannon*, 36 F.4th 496, 500 (3d Cir. 2022); *United States v. Harvey*, 659 F.3d 1272 (9th Cir. 2011).

Accordingly, defendant's motion for approval to use medical marijuana (doc. 59) is denied.

Date: September 19, 2024

s/ James L. Graham
James L. Graham
United States District Judge